



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,
STATE OF INDIANA,

Plaintiffs,

v.

THE ENVIRONMENTAL
CONSERVATION AND CHEMICAL
CORPORATION, et al.

Defendants.

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) Cause No. IP 83-1419-C-M/S
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ORDER

For the reasons set forth in the Stipulation and Joint Motion To Amend
Consent Decree submitted by the parties, the September 10, 1991 Consent Decree is
hereby amended as follows:

1. Section XVII, Paragraph A.2 is amended by:
 - (a) deleting all the words after the caption "Delayed Work" and before the words "\$1,500 for the first 7 days" and substituting therefor the words "For each day that any major milestone in Exhibit A, Schedule Z is delayed"; and
 - (b) deleting subparagraphs a through g, inclusive.

2. Section XVII, Paragraph A.3 is amended by:

- (a) deleting the words "A.2.b and A.2.c" and substituting therefor the words "for on site and off site monitoring wells as provided in Exhibit A, Schedule Z, ¶ 5"; and
- (b) deleting the words "cap within 10 and 11 months, respectively, after approval by EPA of the documents referred to in subparagraph A.2.a above" and substituting therefor the words "Stage 1 cover within 12 months of the date specified in Exhibit A, Schedule Z, ¶ 4."

3. Section XVII, Paragraph A.4. is amended by deleting all of

Paragraph A.4 after the caption "Forgiveness of Certain Delayed Work Penalties" and by substituting the following text:

"Any stipulated penalties incurred for failure to complete the installation of the on-site and off-site monitoring wells by the date specified in Exhibit A, Schedule Z, ¶ 5 shall be collected as specified pursuant to Paragraphs C and D below, but shall be paid into an escrow account and shall remain there until the earlier of: (a) the startup of the soil vapor extraction system and the installation of the Stage 1 cover; or (b) 12 months after the date specified in Exhibit A, Schedule Z, ¶ 4. If startup of the soil vapor extraction system and completion of the Stage 1 cover do not occur within 12 months after the date specified in Exhibit A, Schedule Z, ¶ 4, the balance of the escrow account shall be paid to Plaintiffs as provided in Paragraph D below. If such deadline is met, the balance of the escrow account may, upon granting of the permissive waiver referenced in subparagraph A.3. immediately above, be paid to the Trustees of the ETF on behalf of the Settling Defendants."

4. Section XII, Paragraph A is amended by inserting the words "Stage

I" after the words "RCRA-compliant" and before the word "cover."

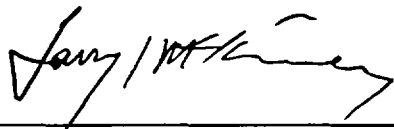
5. All references to Exhibit A in the 1991 Consent Decree shall be deemed to refer to the Revised Exhibit A, May 7, 1997, Revision 2, submitted by the parties as an attachment to the Stipulation and Joint Motion To Amend Consent Decree.

6. All references to Exhibit B in the 1991 Consent Decree shall be deemed to refer to the new Exhibit B, submitted by the parties as an attachment to the Stipulation and Joint Motion To Amend Consent Decree.

7. Section V, Paragraph B.2 is amended by deleting this paragraph, including subparagraphs a and b, in its entirety.

8. Section VI, Paragraph H.2 is amended by deleting the word "Parties" each of the three times it occurs and substituting therefor the words "Plaintiffs and Settling Defendants."

Date: 5/7/98



United States District Court Judge

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